UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,095	08/15/2001	Indermohan S. Monga	14985BAUS01U	1009

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EXAMINER
PAYNE, DAVID C

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/930,095	MONGA, INDERMOHAN S.
	Examiner	**Art Unit**	
	David C. Payne	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2. Claim(s) 1-27 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Naveh et al.

US 6,466,984 B1 (Naveh) and Schofield et al. US 20030212829 A1 (Schofield).

Re claims 1, 2, 6, and 7, Naveh disclosed

A method for managing connection quality for a user in an optical communication system,

the method comprising: ascertaining high-level communication requirements and non-

requirements of the user; determining a set of lower level communication services for the

user based upon the high-level communication requirements and non-requirements of the

user; and obtaining the lower-level communication services for the user. (see e.g., 11/1-15,

11/45-60, 17/10-24). Schofield disclosed using protection mechanisms, paragraphs 46, 50

and 54, as well as latency, paragraph 75. It would have been obvious to one of ordinary skill

in the art at the time of invention that a network concerned with QoS and high speed data

would be built with protection and furthermore latency is an inherent feature in any kind of

network.

Re claims 3, 8, 9, 27, 12-20, 21, 23, and 24, Naveh disclosed a method of mapping/managing

high-level requirements into low-level requirements in a network. Naveh does not disclose an

optical service manager and UNI.

Schofield disclosed a method of managing optical services within a core network with users

attached across a UNI. It would have been obvious to one of ordinary skill in the art at the

time of invention to use the Naveh bandwidth management scheme in the Schofield network

since the policy reservations tools discussed in Naveh such as Diffserv and RSVP are

typically implemented in optical network.

Re claims 4, 10, 22 The modified invention of Naveh and Schofield disclosed wherein the

core optical communication network comprises an automatically switched optical network

(ASON) (see Schofield, par. 0071)

Re claim 5, the modified invention of Naveh and Schofield disclosed wherein obtaining the

lower level communication services for the user comprises: interacting with peer users to

obtain the lower level communication services for the user (see Naveh, col./lines: 5/19-67

and 6/1-35).

Re claim 11, 25, 26 The modified invention of Naveh and Schofield disclosed wherein

obtaining the lower level communication services for the user comprises: interacting with

peer users to obtain the lower level communication services for the user (see Naveh,

col./lines: 5/19-67 and 6/1-35).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to David C. Payne whose telephone number is (571) 272-3024. The

examiner can normally be reached on M-F, 7:00a - 4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp

David C. Payne
Primary Examiner
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